

## Sexual Harassment Policy

### 1.1 Prohibited Conduct

It is a violation of these policies, and illegal under state and federal law, for any employee, male or female; to sexually harass another employee. It is a violation of these policies, and illegal under state and federal law, to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment. The Town of Weston is committed to providing a workplace free from this unlawful conduct. Therefore, severe violations of this policy may result in immediate discharge.

*Revised 2011*

### 1.2 Definition

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to that conduct is made either explicitly or implicitly a term or condition of employment.
- (2) Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- (3) The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behaviors come within one of the above definitions.

- Either explicitly or implicitly conditioning any terms of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors.
- Touching or grabbing a sexual part of an employee's body;

- Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact is unwelcome.
- Continuing to ask an employee to socialize on or off-duty when that person has indicated he/she is not interested.
- Displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known or should be known that the behavior is unwelcome.

*Revised 2011*

### **1.3 Examples**

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the following definitions:

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#### **1.3.1.**

Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;

*Revised 2011*

#### **1.3.2.**

Touching or grabbing a sexual part of an employee's body;  
Touching or grabbing any part of an employee's body after that person has indicated, or is known, that such physical contact is unwelcome;

*Revised 2011*

#### **1.3.3.**

Continuing to ask an employee to socialize on or off-duty when that person has indicated she or he is not interested;

*Revised 2011*

#### **1.3.4.**

Displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known or should be known that the behavior is unwelcome.

*Revised 2011*

**1.4** Procedures for filing a complaint.  
*Revised 2011*

- 1.4.1** Duties of an employee: Any employee who believes that they have been the target of sexual harassment, or who believes they have been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the employee does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation to one of the following:
- To their Supervisor
  - To Chairman of the Selectboard

The employee should file a complaint as soon as possible after the incident. It is helpful to an investigation if the employee keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.

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- 1.4.2** Obligation to report: Every Supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of harassment. Supervisors should report to the Chairman of the Selectboard. Failure by a Supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.

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**2.0** Town Actions Subsequent to Receipt of Complaint

In the event the Town receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The Town is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint.

Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in this investigation.  
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### **3.0** Consequences of Credible Complaint

If the allegation of sexual harassment is found to be credible, the Town will take appropriate corrective action. The Town will inform the complaining person and the accused person the results of the investigation and what actions will be taken to ensure that the harassment will cease and that no retaliation will occur. Any employee, supervisor, or agent who has been found by the Town to have harassed another employee will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal.

If the allegation is not found to be credible, the person with the complaint and the accused person shall be informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the State or Federal Agencies identified in this notice.  
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### **4.0** State or Federal Investigative Agencies

If the complainant is dissatisfied with this Town's action, or is otherwise interested in doing so, they may file a complaint by writing or calling any of the following state or federal agencies:

1. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, Vt. 05602, tel (802) 828-3171 (voice/TDD)  
Complaints should be filed within 300 days of adverse action.
2. Equal Employment Opportunity Commission, 1 Congress Street, Boston, Ma. 02114 tel(617)565-3200 (voice)

(617)565-3204 (TDD). Complaints must be filed within 300 days of adverse action,

3. Vermont Human Rights Commission, 133 State Street, Montpelier, Vt. 05633, tel (802)828-2480 (voice.TDD), (Only if you are employed by a Vermont State Agency) Complaints must be filed within 360 days of adverse action.  
*Revised 2011*

#### **5.0** Investigation by Outside Agencies

Each of these agencies can conduct impartial investigations, facilitate conciliation, and if it finds that there is probable cause or reasonable grounds to believe sexual harassment occurred, it may take the case to court. Although employees are encouraged to file their complaint of sexual harassment through this employer's complaint procedure, an employee is not required to do so before filing a charge with these agencies.

*Revised 2011*

#### **6.0** Right to Hire a Private Attorney

In addition, a complainant also has the right to hire a private attorney, and to pursue a private legal action in state court within 3 or 6 years, depending on the type of claim raised.

*Revised 2011*

#### **7.0** Where can I get copies of this policy?

A copy of this policy will be provided to every employee, and extra copies will be available from the Selectman's office.

Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.

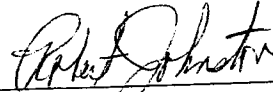
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\*\*\*Policy adopted at Special Selectmen Meeting of December 2, 2003  
\*\*\*Policy revised -----

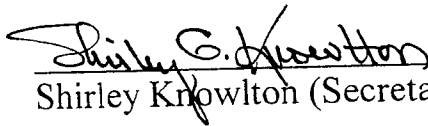
Weston Selectboard



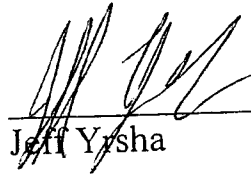
Denis Benson (Chairman)



Robert Johnston (Vice-Chairman)



Shirley Knowlton (Secretary)



Jeff Yrsha

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Darrell Hart